

REMARKS

This paper responds to the Office Action mailed on September 25, 2007.

Claims 6, 11, and 12 are amended, no claims are canceled, and no claims are added; as a result, claims 1-6 and 8-21 are now pending in this application.

35 USC 112 Rejection

Claims 6 and 11-12 were rejected under 35 USC 112, second paragraph, as being indefinite. Applicant respectfully asserts that the claims as previously pending meet the statutory requirements of section 112. Nonetheless, applicant amends claims 6 and 11 as suggested by the examiner. Moreover, claim 12 is amended to correct a minor typographical error. Withdraw of the rejection is requested.

Obviousness-type Double Patenting

Claims 5-6 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-3, 5-7 and 26-27 of U.S. Patent No. 6,521,287. A terminal disclaimer is enclosed herewith to obviate the double patenting rejection.

Allowable Subject Matter

Claims 1-4, 8-10, and 13-21 were allowed. The Examiner is again thanked for his careful review of the present application and for his indication of allowable subject matter.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided

under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
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Date

12 Oct '07

By _____


Timothy B. Clise
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of October.

Name

Lisa Rosecrance

Signature

Sara Rosecrance